

CR15-00707-SRB DUNSTON SIMPSON, SR. 3-3-16

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America,)
)
Plaintiff,)
) CR15-00707-PHX-SRB
vs.) Phoenix, Arizona
) March 3, 2016
Abdul Malik Abdul Kareem,)
)
Defendant.)
)
)
)

BEFORE: THE HONORABLE SUSAN R. BOLTON, JUDGE
EXCERPT OF REPORTER'S TRANSCRIPT OF PROCEEDINGS
TESTIMONY: DUNSTON F. SIMPSON, SR.
JURY TRIAL - DAY #11

APPEARANCES:

For the Government:

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E X C E R P T O F P R O C E E D I N G S

THE CLERK: Please state your name for the record.

THE WITNESS: Dunston Francis Simpson.

THE COURT: You may proceed, Mr. Maynard.

MR. MAYNARD: Thank you, Your Honor.

DUNSTON FRANCIS SIMPSON, SR., WITNESS, SWORN

DIRECT EXAMINATION

BY MR. MAYNARD:

Q Good afternoon, Mr. Simpson.

Could you introduce yourself to the jury, please.

A Again, I am Dunston Simpson, Elton Simpson's dad.

Q And do you live in the Phoenix metropolitan area?

A I do.

Q Okay. And without telling me who your employer is, how are you employed?

A I do accounting work.

Q Okay. Now, you are aware that at some point your son Elton converted to Islam; is that correct?

A I am.

Q Did you ever convert to Islam?

A I did not.

Q Now, had you ever met Decarus Thomas, also known as Abdul Malik Abdul Kareem?

A I did.

Q Do you recognize him in this courtroom today?

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1 A I do.

2 Q Okay. On how many occasions did you meet Mr. Abdul
3 Kareem?

4 A Once.

5 Q When was that?

6 A At my home to clean the carpets. He had a carpet cleaning
7 service.

8 Q Okay. And I want to direct your attention to May 3rd of
9 2015. Did you know that Elton was going out of town that
10 weekend?

11 A I did not.

12 Q And how is it that you learned that Elton had gone out of
13 town?

14 A I was visited earlier that morning, May 3rd, by the
15 defendant; came to my house.

16 Q Okay. When you say early the morning of May 3rd, was it
17 either late at night on May 3rd or early the morning of May
18 4th?

19 A I'm not really sure. I'm thinking it was 1:00 or
20 2:00 a.m.

21 Q Okay. If I were to tell you that the incident in Garland,
22 Texas, occurred about seven or eight o'clock Texas time -- or
23 six o'clock Texas time on May 3rd, does that help you refresh
24 your recollection as to when?

25 A No, it does not, because my wife and I were asleep.

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1 Q Okay.

2 A We got a knock at the door and I went to the door and --

3 Q Tell us what happened that evening.

4 A Well, again, we were asleep. There was a knock at the
5 door. I came to the door and it was the defendant. And he
6 indicated that he had heard something disturbing and that
7 maybe we should turn the television on and take a look at what
8 might be broadcast as the news, to take a look because it's
9 possible that my son had gone to Garland, Texas, and something
10 terrible happened.

11 Q Was there anybody that was with Mr. Abdul Kareem?

12 A There were two other gentlemen. I'm not real familiar
13 with them, so I can't give you their names, but there were two
14 other gentlemen. I just don't have their names.

15 Q All right. Did the three of them walk into your house?
16 Did you invite them in that evening?

17 A Absolutely.

18 Q Okay. And it was very late at night, whatever time it
19 was?

20 A Absolutely.

21 Q And did you turn on the television?

22 A Yes, I did.

23 Q How is it that you were able to get news that late at
24 night? Did you have a DVR?

25 A It was broadcasting. I surfed the channels. I found some

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1 news and watched it and because it was a fantastic story that
2 was there.

3 Q Did you realize from watching that news that your son was
4 involved in this?

5 A I did not.

6 Q Did anyone of the three indicate that they recognized
7 anything from the newscast?

8 A Not actually. There was a conversation that the
9 automobile --

10 MR. KOEHLER: Your Honor, I'm going to object on
11 hearsay grounds at this point.

12 THE COURT: Overruled. You may complete your answer.

13 THE WITNESS: There was some talk that the automobile
14 looked like the automobile that belonged to one of the guys.

15 BY MR. MAYNARD:

16 Q Okay. Did you know Nadir Soofi?

17 A I had never met him.

18 Q Had you ever been to your son's apartment?

19 A No.

20 Q Okay. Now, when did you finally learn that your son had
21 died in Texas?

22 A I was in disbelief, so I still went to work. I had to be
23 at work at 4:00 a.m. And I get a call -- I can't even
24 remember who called me at work and told me that, yes, it was
25 him.

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1 Q Okay. Now, before your son passed away, did your son own
2 a car?

3 A He did own a car.

4 Q And what kind of car did your son own?

5 A It was an Infinity 300 or something like that.

6 Q At some point in time did somebody give you the car
7 registration to that car?

8 A Yes, they did.

9 Q Who was that individual?

10 A The gentleman's name was Saabir. I don't know his last
11 name but he gave me the title.

12 Q Did he tell you how he came to have the title?

13 A He did not. He just says I think you should have it and
14 he gave it to me.

15 MR. MAYNARD: I have no further questions, Your
16 Honor.

17 THE COURT: You may proceed, Mr. Koehler.

18 **CROSS EXAMINATION**

19 BY MR. KOEHLER:

20 Q Thank you, Your Honor.

21 And good afternoon, Mr. Simpson.

22 A Hello, sir.

23 Q You've not met me or the two people at the counsel table
24 with me before today; is that correct?

25 A No. I'm a little older. I don't remember quite well,

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1 but, no, I haven't met you.

2 Q A couple quick questions for you.

3 First of all, this person Saabir that came to your
4 house?

5 A Yeah.

6 Q Did you know him?

7 A Yeah, I did.

8 Q Okay. And when he brought you the car -- title to the
9 car, did he bring you a letter or anything?

10 A He did not.

11 Q Just the title itself?

12 A Just the title itself.

13 Q Now, I think you were already asked, but I want to make
14 clear. You're not Muslim; is that right?

15 A No. I am not.

16 Q And your wife is not Muslim?

17 A No. She is not.

18 Q At the time that your son Elton converted to Islam, did he
19 attempt to share Islam with you and your wife?

20 A He did.

21 Q And what was your response to that?

22 A I have a little difficulty with religion, so my response
23 was that's really good, son, I'm glad you found something that
24 you could believe in.

25 Q Okay. But you, yourself, were not interested; is that

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1 correct?

2 A No. I wasn't.

3 Q You didn't convert?

4 A I did not.

5 Q Your wife didn't convert either?

6 A She did not.

7 Q Yet your son still came over to visit you; is that
8 correct?

9 A Not as often as we would like, but once in a while, he did
10 come over.

11 Q Was he still loving toward you?

12 A Yes.

13 Q Was he still loving toward your wife?

14 A Yes, he was.

15 Q Would you see him hug his mother?

16 A Yes, I did.

17 Q Did he tell her that he loved her?

18 A Well, I don't know.

19 Q Okay. But you already said that he was loving toward her.

20 A Yes.

21 Q You already stated on direct that you were in disbelief
22 about the attack happening in Garland?

23 A Correct.

24 Q Why were you in disbelief about it?

25 A That wasn't my son's nature. He was caring, loving,

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1 gentle.

2 Q Did you ever see him with a firearm?

3 A Never.

4 Q Had you ever heard of him ever having a firearm or using
5 one?

6 A Never. He told me that they weren't allowed.

7 Q Were you ever aware of your son having any large sums of
8 money?

9 A No. Please.

10 Q Okay. We got a little bit of what sounded like a chuckle
11 out of you in response to that?

12 A Yeah.

13 Q Explain that, please.

14 A Well, he just never had large sums of money. When I think
15 of large sums of money, I think of you guys.

16 Q Fair enough.

17 So my question here is: Did he seem to you like
18 somebody who had the kind of money that could spend, say, 500
19 or \$700 on a firearm?

20 A No.

21 MR. KOEHLER: I have know further questions. Thank
22 you.

23 THE COURT: Mr. Maynard, do you have any questions on
24 redirect?

25 MR. MAYNARD: I do not.

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1 THE COURT: May this witness be excused and released
2 from his subpoena?

3 MR. MAYNARD: Yes.

4 THE COURT: Is there any objection?

5 MR. KOEHLER: No objection.

6 THE COURT: Thank you very much, Mr. Simpson. You
7 may step down and you are excused as a witness.

8 (End of excerpt of proceedings.)

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C E R T I F I C A T E

I, ELIZABETH A. LEMKE, do hereby certify that I am
duly appointed and qualified to act as Official Court Reporter
for the United States District Court for the District of
Arizona.

I FURTHER CERTIFY that the foregoing pages constitute
a full, true, and accurate transcript of all of that portion
of the proceedings contained herein, had in the above-entitled
cause on the date specified therein, and that said transcript
was prepared under my direction and control.

DATED at Phoenix, Arizona, this 23rd day of mAY,
2016.

s/Elizabeth A. Lemke
ELIZABETH A. LEMKE, RDR, CRR, CPE